

Assessing the Inaction of the Responsibility to Protect (R2P) in Myanmar and Gaza

NUST Journal of International Peace & Stability
2024, Vol. 7(2) Pages 74-79



njips.nust.edu.pk

DOI: <http://doi.org/10.37540/njips.v7i2.176>

*Memoona Nasir¹

Introduction

Over the last few decades, the international community has witnessed severe human rights violations, notably the Rwanda Genocide of 1994 and the mass atrocities during the breakup of Yugoslavia. These incidents highlighted the global community's inability to prevent or halt such crimes. Significant efforts have been made to develop doctrines and policies to protect human lives and minimize suffering during conflicts in response to these failures. One such effort is the 'Responsibility to Protect' (R2P) concept, first coined by the International Commission on Intervention and State Sovereignty (ICISS) 20 years ago. In 2005, the UN member states adopted the World Summit Outcome Document (WSOD) by consensus, establishing the responsibility of states and the international community to protect individuals under Paragraphs 138 and 139 (UN General Assembly, 2005). One of the doctrine's essential aspects is to protect the population from internationally recognized atrocity crimes such as genocide, ethnic cleansing, war crimes, and crimes against humanity. Its full representation can be summarized in three pillars:

Pillars and Effectiveness of the R2P Framework

The R2P framework is structured around three fundamental pillars, each outlining specific responsibilities and actions to address mass atrocities. These pillars collectively define the obligations of states and the international community to prevent and respond to grave human rights violations.

1. *State's Responsibility to Protect*: States are primarily responsible for safeguarding their populations from mass atrocities, including genocide, war crimes, crimes against humanity, and ethnic cleansing.
2. *International Assistance and Capacity-Building*: The international community is responsible for helping states fulfill their protective roles through aid, diplomacy, and support.

¹ Memoona Nasir is pursuing her Master of Science in Peace and Conflict Studies at the Centre for International Peace and Stability (CIPS), National University of Sciences and Technology (NUST), Islamabad, Pakistan.

E-mail: memoonanasir119@gmail.com

Received 16 May 2024; **Revised** 07 June 2024; **Accepted** 09 June 2024; **Published online** 30 June 2024

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3. *International Responsibility to Protect*: Assuming a state is unable or unwilling to protect its population, the international community has a duty to intervene by employing a range of measures (peaceful or coercive) to prevent mass atrocities.

Despite its widespread recognition as a framework for preventing such atrocities, a gap persists in its practical implementation within conflict zones. This can be seen in the historical chain of mass atrocities committed in cases like Myanmar and Gaza. Such cases raise a question on the effectiveness of the doctrine that despite meeting the threshold of atrocity crimes and genocidal violence, the international community is still unable to take any action. The non-invocation of the R2P, despite the clear cases of atrocity crimes in Myanmar and Gaza, underscores the importance of analyzing its effectiveness in preventing such atrocities. This research aims to highlight the importance of Myanmar and Gaza as solid cases for R2P and to provide a bird's eye view of the reasons behind the non-application of the framework in these contexts.

Case Study of Myanmar: An Examination of Atrocity Crimes and International Response

Myanmar has become a noteworthy example of the international community's unwillingness to invoke the R2P doctrine. The inability of the world to control the situation in Myanmar over the past ten years has led to several instances of atrocity crimes and genocidal violence against the Rohingya (Mennecke & Stensrud, 2021).

The roots of the Rohingya crisis date back to ethnic tensions created in the region. Myanmar has a population of 54 million and officially recognizes dozens of ethnic groups—but not the Rohingya (Francis, 2017). This led to an increased crisis that gained momentum through the gradual marginalization of the Rohingya as an ethnic minority, the deprivation of their citizenship, their exclusion from governmental institutions, and, effectively, rendering them stateless.

The year 2017 resulted in one of the grave violations of human rights, where mass atrocities were committed against the Rohingya minority, forcing more than 700,000 Rohingya to flee the country. The situation did not take a pause here; in fact, the conflict was triggered in 2021 by the military takeover in Myanmar and resulted in a more complicated solution and difficult-to-determine solution.

Today, approximately 1.35 million individuals are classified as refugees, people in refugee-like situations, and asylum-seekers, and an additional 2.3 million internally displaced persons (IDPs). The scale of displacement is alarming. Compounding the crisis is the plight of stateless persons, particularly the Rohingyas, with a staggering 657,500 individuals lacking citizenship rights and access to essential services and protection (UNHCR, n.d). There have been acts of arbitrary killings, sexual violence, arson, and severe restrictions on movement and essential services, triggering allegations of ethnic cleansing and genocide.

The 2017 UN Fact-Finding Mission on Myanmar (IFFMM) found clear genocidal intent within the state (Gepp, 2021). This situation was described as a “textbook example of ethnic cleansing” by the UN Human Rights chief in 2017 due to the presence of at least one of the four atrocity crimes categorized under the R2P framework (Gepp, 2021; Syed, 2019). The Myanmar government's unwillingness to protect its citizens has been a significant barrier to invoking the R2P doctrine. Ibrahim and Nordin (2015, p. 1) stated, “Rohingya is facing a serious threat of genocide, ethnic cleansing, and crimes against humanity while the government of Myanmar has failed in its primary duty to protect them.” Despite meeting the necessary threshold for R2P

intervention, atrocity crimes continue to occur, highlighting the influence of the power corridors and the interests of the actors involved.

Another limitation lies within the structure of the UN Security Council (UNSC) and the interests of its permanent members (the P5). While several member states have shown support for action in Myanmar, China and Russia have used their veto power to block any discussion on the Responsibility to Protect. The role of ASEAN also cannot be ignored; it has failed to take adequate action due to its foundational principle of 'non-interference' (Islam, 2020; Kingston, 2015). Although numerous resolutions have been made, efforts to counter atrocity crimes in Myanmar have not yet been successful.

Case Study: Gaza—An Examination of Atrocity Crimes and International Response

At the end of this year, we will enter into an assault that many experts have labeled a clear case of atrocity crimes, particularly genocide. Since then, thousands of missiles and bombs have destroyed civilian infrastructure, including residential buildings, hospitals, and schools. The international community condemned the attacks on hospitals and schools, which fell under the category of war crimes. The Israeli actions have led to one of the highest rates of civilian deaths in any conflict of the twenty-first century (Leatherby, 2023).

On October 7, 2023, the Palestinian Islamist organization Hamas carried out an unprecedented attack on Israel, resulting in over 1,200 deaths and the abduction of more than 250 hostages into Gaza. In response, Israel initiated a war with the primary aim of destroying Hamas and freeing the hostages. This war has brought tremendous suffering to the civilian population of Gaza, causing thousands of deaths and displacing more than 1.7 million Palestinians within Gaza, unable to escape the horrors of war (Reuters, 2024).

Also, in warfare, Hamas has built an extensive tunnel system beneath Gaza, allowing them to maneuver strategically and carry out robust attacks. However, this tunnel strategy has severe ramifications for the civilian population, who become the primary victims of attacks targeting Hamas. Additionally, the geography of Gaza complicates efforts for civilians to escape the atrocities of war. At the same time, Israel is committing heinous war crimes, neglecting the humanitarian cost of the conflict, including the crime of starvation.

Following the October 7 attack, a statement was given by Israeli Defence Minister Yoav Gallant calling the Palestinians 'human animals' and promising to cut off basic water, food, and electricity supplies there (Karanth, 2023). This statement is very shattering as govt officials are publicly threatening to cut basic supplies to the people of Gaza.

The international community attempted to play its role to mitigate the conflict and reduce humanitarian loss, but these efforts remained largely ineffective. On the issue of Palestine, calls for ceasefires were vetoed. Meanwhile, special sessions were held to pressure actors into pursuing peace efforts. Recently, Israel faced a lawsuit at the International Court of Justice, and more countries around the world are recognizing Palestine. However, the debate continues: Does this reflect the R2P in action, or is there no R2P?

The reason for this situation can be traced back to the self-interest of states, particularly the United States. Israel's powerful alliances, especially with the United States, provide it with support that acts as a deterrent to the application of the R2P due

to significant political and diplomatic hurdles. The United States has vetoed several ceasefire resolutions concerning the conflict. As Israel's relentless attacks on Gaza entered their eighth month, Rafah was the last Gaza city that had not yet been attacked by land. This city, which provided refuge for more than 1.5 million civilians, about half of them children, are significant victims of Israeli brutality and witnessed some of the gravest human rights abuses (Al Jazeera, 2024).

The Dilemma of Inaction: Scrutinizing the Failure to Invoke R2P

The cases show clear signs of atrocity crimes committed there. The people in Myanmar and Palestine, particularly in Gaza, have faced genocide, systematic violence, attacks on civilians, and crimes against humanity. In both scenarios, governments are implicated in committing these crimes. The Myanmar military has been actively engaged in aggression against the Rohingya people, whereas actions by the Israeli military have resulted in a substantial number of civilian deaths in Gaza. Even though these atrocities are acknowledged globally, still the international community finds it difficult to apply the doctrine of Responsibility to Protect (R2P). There have been numerous calls for action, but they have not been fruitful in terms of interventions. Following this, ASEAN was also deeply divided on the situation and unwilling to handle the Myanmar crisis despite adopting the five-point consensus (Vasisht, 2024). In contrast, the conflict in Gaza is entangled in the Middle East geopolitics and has received global attention due to its geo-political significance. So, what is the future of R2P?

Rethinking R2P

The genesis of the Responsibility to Protect (R2P) framework in 2001 aimed to address human rights violations, with the United Nations' adoption in 2005 echoing the solemn promise of 'Never Again.' However, the recurrence of atrocities begs the question: Why does 'Never Again' continue to happen? In today's landscape, challenges manifest in various forms, particularly within the context of R2P, where obstacles arise from host states, P5 powers, and other external elements. Despite these persistent challenges, invoking R2P becomes difficult. However, this does not mean the international community should give up its responsibility to protect the people.

Theoretical foundations often wane despite power dynamics and vested interests, as evidenced by the cases of Gaza and Palestine. The alignment between the US and Israel underscores this, with the US providing substantial support to Israel, as indicated by the Stockholm International Peace Research Institute's report (Al Jazeera, 2024). On the other hand, in the case of Myanmar, China and Russia have a series of interests, such as military ties, natural resources, energy security, and geopolitical considerations that surpass the need for humanitarian protection in Myanmar.

Among such dynamics, questions arise about the purpose of R2P. Why, despite the clear evidence of ethnic cleansing and genocide acknowledged by the whole world, does the international community hesitate to take action? Is there not a need for a middle ground to ensure the protection of civilians targeted by atrocity crimes, regardless of these challenges? Such instances raise the question of the fundamental validity of the doctrine.

Conclusion

In conclusion, the doctrine of R2P was formulated to protect the population from targeted attacks. However, its practical implementation faces several challenges rooted in geopolitical interests and power dynamics, which raises a question about its

implementation. Despite what was laid down in the theoretical foundations of the doctrine, the mission of protecting vulnerable populations, the persistence of atrocities, and the failure to address them underscore the shortcomings of R2P. In the above discussion, there is a pressing need to reevaluate the framework, strengthen international mechanisms for accountability, and prioritize civilian protection over geopolitical considerations.

The global landscape is marked by instances of atrocities, from ethnic cleansing to genocide, where vulnerable populations endure unimaginable horrors. If the international community does not take decisive and effective action, the world will continue to witness these violations, with lasting repercussions for generations. Now is the time to act and strengthen the framework of the Responsibility to Protect (R2P) so that, as a global community, we can work together toward a future where the horrors of war and grave human rights violations are no longer tolerated or accepted as inevitable.

Conflict of Interest: The author declares no conflict of interest.

Funding: This research received no external funding.

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